

RECEIVED

DEC 09 1999

PUBLIC STATEMENT OF CHRISTOPHER SEWALL

EIS000638

MR. SEWALL: Hello. My name is Christopher Sewall, that is S-e-w-a-l-l.

For the past nearly seven years I have been a staff person at the Western Shoshone defense project. Western Shoshone directed a nonprofit organization based here in Crescent Valley.

The first point I want to make to the DOE - and these would be our preliminary comments; we will be submitting written comments by the deadline - the first point I want to make is that Indian country does not stop at the reservation boundary. And that Western Shoshone communities are not limited to the reservations.

As you have already heard, there is a Western Shoshone community located here in Crescent Valley within eight miles of the proposed route, even closer to the alternate route, this rail route through this valley.

1 And again, I will reaffirm and remind the DOE of the Treaty of Ruby Valley and that treaties are indeed recognized in the Constitution as the supreme law of the land. The only thing we see so far in the EIS regarding the treaty is some references to the Supreme Court case and to an Indian Claims Commission decision. And we would like to reaffirm our position that title has never been litigated to Western Shoshone land.

And in fact, a Federal District Court here in Nevada made a ruling which in fact said that the Treaty of Ruby Valley is in full force and effect.

9 Now we currently right now, the U.S. Government is under investigation by an international human rights commission, the interAmerican Commission on Human Rights which was established by the Organization of American States to protect and promote human rights by the member states of the Organization of American States, which is essentially a United Nations of the western hemisphere, of which the U.S. Government is part of. And right now this commission is investigating the status of U.S. treatment of Western Shoshone people and the process by which the U.S. has claimed to deprive them of title to their land, and we feel that the DOE should be aware of this process and the fact that the DOE proceeding with these plans for Yucca Mountain and this rail route prejudices this investigation.

1 (cont'd.) Another thing -- a question that I want on the record. Two questions that I want on the record. First of all, is it the DOE's position that Western Shoshone land title was litigated by the Indian Claims Commission?

①

Second question I want on the record. Is it the DOE's position that the Indian Claims Commission proceedings and the Supreme Court has the legal authority to nullify the Treaty of Ruby Valley?

Another just point I'd like to add to that. The government is always bringing up the U.S. v. Dann case, the Supreme Court case, as their silver bullet to dismiss Western Shoshone land claims and issues. I would just like to remind people that the Supreme Court doesn't necessarily make morally correct decisions. In our past the Supreme Court has in fact ruled it is legal to own another person. I think we would all agree, and even people at that time would agree, that was a morally reprehensible position and people resisted it, and it is the same attitude that we have concerning the Supreme Court's decision regarding the Dann and Western Shoshone land title. It is simply an immoral and frankly illegal taking of those lands.

2

The other points that I wanted to bring up concerns the nature of NEPA, the National Environmental Policy Act. Now it is my understanding that this act was created to help the U.S. Government with the input of U.S. citizens to make informed decisions about projects that affect the environment and to look at the environmental and different impacts associated with these decisions. Now one of the key parts of the NEPA process is defining a need, a need for the project, why are we going ahead with this project in the first place. Right now we're not convinced that the DOE has adequately justified the need for this project.

3

Perhaps more importantly is the lack of alternatives in this document. The very heart or essence of the NEPA process is the evaluation of alternatives to the project at hand. That's the very heart of the NEPA process. The whole substance of the NEPA process is evaluating the different possibilities, different alternatives for the project at hand.

And instead, instead we get two alternatives. We get we can build the dump or the no action alternative. And I'd like to point out that the no action alternative should be a reasonable alternative, and right now the no action alternative that we have been presented in this document is completely unreasonable, and in fact, I don't know of anybody advocating for the scenario that you have put in the no action alternative. Nobody is saying leave the waste at the site for a thousand years, 10,000 years unmonitored. Nobody is saying that. Nobody in the antinuclear movement, nobody is saying that.

So why are you evaluating in there? It is a straw man. You knock it down. So we have an alternative that we couldn't possibly choose or the dump. That's ridiculous.

4

The other thing that really concerns me, especially after hearing the presentations, is how many

(2)

times I heard the word assume. Is that so many parts of the details of this project, the devil is in the details. We assume this, we assume that, we don't know yet. It's a concept. We assume.

I think we all know the joke about assuming. And I think it's very true in this case.

5 [I'm particularly concerned about the details of the rail design and operation. All these details are left out. We don't even know if it's going -- the DOE hasn't made a determination if this is going to be a single use railroad.

How can you possibly evaluate the risks of rail lines without knowing what you are going to be putting on those rail lines? You can't do it.

6 [The last point that I want to make as a representative of the defense project is the fact, and this has been mentioned before as well, is the fact around World War II the Atomic Energy Commission and the Department of Defense seized hundreds of thousands of acres of Western Shoshone land, the creation of the Nellis Air Force Range and the Nevada Test Site. This was done without the consent of Western Shoshone people, and access is now denied to those areas. Burial sites have been disturbed, cultural sites have been disturbed, plants, animals and water have all been contaminated to these things.

And now what we see is the federal government doing exactly the same thing and trying to force a project down the throat of people that don't want it. The Western Shoshone people have made clear opposition to this project at every step. There are tribal resolutions. The Western Shoshone National Council has declared Western Shoshone territory as a nuclear free zone.

But still we proceed forward with this. I want a government that acts with dignity and honor. And this is not the way the federal government is behaving in regards to this project. And I'm ashamed, and you should be ashamed as well.

7 [The last thing, our position is that we feel from the information we have now that this project as proposed and the transportation will have a profoundly negative impact on the political, economic, cultural, social, spiritual survival of the Western Shoshone nation.]

And then I'd just like to add just one more comment perhaps, not as a representative of the defense project, but my family is from Maine, and they still live there, and we live about 12 miles from Maine Yankee Nuclear Power Plant. When that power plant was built, family land was condemned to build that power plant. Some of my family land was condemned.

And I don't like my family living next to that stuff over there. But I sure as hell don't support putting it on a truck and sending it out here because you are just making a bad problem even worse. So I

③

just want to say that.

8 And one last comment I want to make, too. And I brought this up in the questions. I just remembered, but I want to have it on the record. Is that [] I see it really as hypocritical that the federal government would require such a level of detail of information from private industry in regards to the mining industry for all their projects on federal lands, and then would exempt itself from the same level of detail in evaluating this project, this Yucca Mountain project. [] So that's all I have to say.

4